

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

DANA ADVIENTO,

Defendants.

8:07CR397

ORDER

This matter is before the Court on Defendant's Unopposed Motion for Sentence Reduction Pursuant to the First Step Act, Pub. L. No. 115-391, 132 Stat. 5194 (2018). ECF No. 138. Under the First Step Act, Defendant's mandatory-minimum term of imprisonment and his imprisonment range under the advisory United States Sentencing Guidelines is 151 to 188 months. Defendant has already served at least 151 months.

The Court previously denied Defendant's request to appoint counsel to pursue a reduction of his sentence under the First Step Act. However, since the Court issued its order, the parties have stipulated that the Court, without further hearing, should reduce Defendant's sentence to time-served with three years of supervised release to follow, subject to the current standard terms and conditions of supervised release. ECF No. 139. Upon review of the record and consideration of the 18 U.S.C. § 3553(a) sentencing factors, the Court will vacate its prior Order and grant the stipulated reduction request for a sentence of time-served. Accordingly,

IT IS ORDERED:

1. Defendant's Unopposed Motion for Sentence Reduction Pursuant to the First Step Act, Pub. L. No. 115-391, 132 Stat. 5194 (2018). ECF No. 138, is granted;
2. The Court's Memorandum and Order dated January 16, 2019, ECF No. 121, is vacated;
3. The 2019 First Step Act Retroactive Sentencing Worksheet, ECF No. 136, is adopted without change;
4. The parties' Stipulation, ECF No. 139, is approved;
5. Defendant's sentence is reduced to time-served with three years of supervised release to follow;
6. An amended judgment will be entered; and
7. The Clerk of Court is directed to provide the United States Marshal with a certified copy of this Order.

Dated this 21st day of February 2019.

BY THE COURT:

s/Laurie Smith Camp
Senior United States District Judge